

REMARKS

Claims 1- 14 are now pending in this application. Claims 1-4 are rejected. New claims 5- 14 are added. Claims 1 and 4 are amended herein to address matters of form unrelated to substantive patentability issues.

Applicant herein traverses and respectfully requests reconsideration of the rejection of the claims and objection cited in the above-referenced Office Action.

The abstract is objected to on the basis that it includes phrases of implication and is too long. A replacement abstract is provided herein on a separate page. It is submitted that the replacement abstract is in full conformance with 37 CFR 1.72 and MPEP 608.01(b). Therefore, reconsideration of the objection to the abstract is respectfully requested.

Claims 1-4 are rejected under 35 U.S.C. § 102(b) as being anticipated by Hayashi et al. (US 5,704,399). Applicant herein respectfully traverses these rejections. "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*" *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co* 221 USPQ 481, 485 (Fed. Cir. 1984) (emphasis added). It is respectfully submitted that the cited reference is deficient with regard to the following.

Claim 1 recites in pertinent part the following:

a first piping member having a channel therein, the first piping member having at least one first joint surface which includes at least one first opening in communication with said channel, said at least one first joint surface further including a first annular groove therein;

a second piping member having a channel therein, the second piping member having at least one second joint surface which includes at least one second opening in communication with said channel, said at least one second joint surface further including a second annular groove therein; and

a sleeve including a partition and inserting sections which are radially thinner than said partition and which are disposed on either side of said partition, said inserting sections including flanges on both ends thereof between which at least one elastic body is fitted such that said inserting sections each is press insertable into a respective one of said first and second annular grooves.

Claim 1 recites the provision of an annular groove in each of first and second joint surfaces. As such, and according to the accepted definition of the term “groove” (for which a printout from an Internet website is attached), the claimed “annular groove” identifies a narrow channel which is annular in shape and which is present in each of the joint surfaces, and as shown, for example, in Fig. 3a, by reference numerals 6 and 9. It is respectfully submitted that the Hayashi et al. reference is devoid of such teaching. The region of widened diameter at the ends of 9 being equated by the Examiner with the claimed “annular groove” is not agroove at all, within the accepted definition. Moreover, this region is not annular, but rather cylindrical, as the recessed region is entirely open from the central axis to the widened inner wall, and does not contain any radially inward solid structure that could define a groove of annular configuration.

In view of the above, it is respectfully submitted that claims 1-4 particularly describe and distinctly claim elements not disclosed in the cited reference. Therefore, reconsideration of the rejections of claims 1-4 and their allowance are respectfully requested.

It is further noted that the above discussed feature, i.e., the provision of an annular groove, was present in the originally filed claims. As such, the present amendments cannot necessitate new grounds for rejection as the present rejections are respectfully submitted as failing to have been established. Accordingly, it is respectfully submitted that a next Office Action cannot be made final.

Claims 5-14 are added and are submitted as patentable over the cited art of record. Independent claim 5 recites subject matter directed to piping members including first and second annular grooves defined by a radially inward wall and a radially outward wall which, among other features recited therein, is not believed disclosed in the cited art in the manner as claimed. Dependent claims 6-14 are patentable based on the subject matter recited therein in addition to the subject matter of claim 5.

Applicant respectfully requests a one (1) month extension of time for responding to the Office Action. Please charge the fee of \$120 for the extension of time to Deposit Account No. 10-1250.

The USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,
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enc: Website printout of definition of term "groove".


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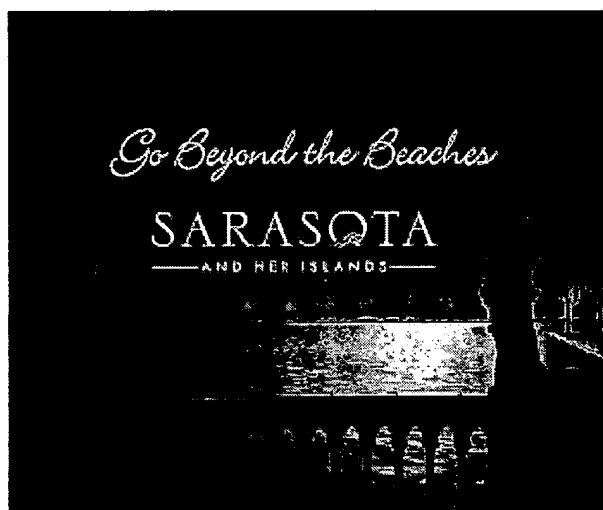
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groove (*grōov*)

n.

1. A long narrow furrow or channel.
2. The spiral track cut into a phonograph record for the stylus to follow.
3. *Slang* A settled routine: *got into the groove of a nine-to-five job.*
4. *Slang* A situation or an activity that one enjoys or to which one is especially well suited: *found his groove playing bass in a trio.*
5. *Slang* A very pleasurable experience.

v. **grooved**, **groov-ing**, **grooves**v. *tr.*

1. To cut a groove or grooves in.
2. *Baseball* To throw (a pitch) over the middle of home plate, where it is likely to be hit.

v. *intr.* **Slang**

1.
 - a. To take great pleasure or satisfaction; enjoy oneself: *just sitting around, grooving on the music.*
 - b. To be affected with pleasurable excitement.
2. To react or interact harmoniously.

Idiom:**in the groove** *Slang*

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